

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-
Plaintiff.

C.A. No. 04-901-JJF

NOTICE OF SUBPOENA OF DR. MARK CHEE

PLEASE TAKE NOTICE that the Subpoena attached hereto as Exhibit 1
will be served upon Dr. Mark Chee, 155 15th St. Unit 22, 24, Del Mar, CA 92014.

MORRIS, NICHOLS, ARSHT & TUNNELL

/s/ Melissa Stone Myers

Maryellen Noreika (#3208)
Melissa Stone Myers (#3985)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
Attorneys for Plaintiff

OF COUNSEL:

Michael J. Malecek
Daniel R. Reed
George C. Yu
Andrea L. Gross
AFFYMETRIX, INC.
6550 Vallejo Street, Suite 100
Emeryville, CA 94608
(510) 428-8500

January 10, 2006

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2006, I electronically filed the foregoing Notice of Subpoena of Dr. Mark Chee using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP

I also certify that copies were caused to be served on January 10, 2006 upon the following in the manner indicated:

BY HAND

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue, 10th Floor
P.O. Box 2306
Wilmington, DE 19899-2306

BY FEDERAL EXPRESS

Marcus E. Sernel
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601

/s/ Melissa Myers
Maryellen Noreika (#3208)
Melissa Myers (#3985)
1201 N. Market Street
P. O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
mmyers@mnat.com